

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANJEEV LATH,
Plaintiff,

v.

PETER B. HEGSETH,
Secretary of Defense,
Defendant.

No. 22-cv-11158-PGL

SUPPLEMENT UNDER RULE 60 TO PREVIOUS
ORDER GRANTING SUMMARY JUDGMENT

LEVENSON, U.S.M.J.

The Court’s order granting Defendant’s motion for summary judgment (Docket No. 178) omitted discussion of Count 7 of Lath’s Complaint, which alleges unlawful interference with Lath’s exercise of his right to seek reasonable accommodation. *See* Docket No. 15, ¶¶ 209–219. That claim thus remains pending. To correct that inadvertent omission, pursuant to Federal Rule of Civil Procedure 60 I now address that remaining claim and dismiss it as well. *See* Fed. R. Civ. P. 60(a).

Lath’s Count 7 raises claims under 42 U.S.C. § 12203(b) and M.G.L. ch. 151B § 4(4A). I previously dismissed all of Lath’s claims raised under state law. *See* Docket No. 165, at 16–18, 37. I now dismiss the portion of Count 7 raised under federal law.

To prove a claim of unlawful interference, a “plaintiff must show that the interference must have been motivated by a discriminatory animus.” *Vazquez v. Mun. of Juncos*, 756 F. Supp. 2d 154, 165 (D.P.R. 2010). As discussed at length in the Court’s previous order, Lath has not pointed to any evidence upon which a reasonable factfinder could find that DCMA officials

harbored any discriminatory intent towards him based on his claimed disability or his accommodation request. His federal claim under Count 7 thus fails for the reasons discussed in the Court's previous order, as well as for the reasons stated in Defendant's memorandum in support of Defendant's motion for summary judgment. *See* Docket No. 147, at 32–35.

CONCLUSION

For the forgoing reasons, Defendant's motion for summary judgment upon the remaining count (Counts 7) is ALLOWED and this matter is DISMISSED. (Judgment to issue.)

Dated: July 15, 2025

/s/ Paul G. Levenson
Paul G. Levenson
U.S. MAGISTRATE JUDGE